

Cedar City

10 North Main Street • Cedar City, UT 84720 435-586-2950 • FAX 435-586-4362 www.cedarcity.org

CITY COUNCIL WORK MEETING MARCH 19, 2014

Mayor

Maile L. Wilson

Council Members

Ronald R. Adams John Black Paul Cozzens Don Marchant Fred C Rowley

City Manager

Rick Holman

The City Council will hold a work meeting on Wednesday, March 19, 2014, at 5:30 p.m., in the Council Chambers at the City Office, 10 North Main Street, Cedar City, Utah. The agenda will consist of the following items:

- I. Call to Order
- II. Agenda Order Approval
- III. Administration Agenda
 - Mayor and Council Business
 - Staff Comment
 - Youth City Council Report
- IV. Public Agenda
 - Public Comments
 - o Legislative Report Senator Evan Vickers & Representative John Westwood
- V. Business Agenda

Public

- 1. Request to have the business license penalty waived Papa John's Pizza
- 2. Consider charging commercial businesses outside the City limits that are currently connected to the City culinary water system double the City non-residential rate of \$1.00 per 1000 gallons of water. Currently commercial businesses outside the City limit are charged the same as residences and stock water connections outside the City which is double the Residential Tier 3 rate of \$2.00 per 1000 gallons Rusty Aiken
- 3. Consider request to modify/remove the island in the vicinity of 647 S. Cross Hollow Road in front of Stone Haven Stacy Jones/Sharon Wasden

Staff

4. Request to transfer \$269,396 from the Class "C" Road funds to use in road maintenance – Ryan Marshall

Dated this 17th day of March, 2014.

Renon Savage, CMC

City Recorder

CERTIFICATE OF DELIVERY:

The undersigned duly appointed and acting recorder for the municipality of Cedar City, Utah, hereby certifies that a copy of the foregoing Notice of Agenda was delivered to the Daily News, and each member of the governing body this 17th day of March, 2014.

Renon Savage, CMC

City Recorder

Cedar City Corporation does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

If you are planning to attend this public meeting and, due to a disability, need assistance in accessing, understanding or participating in the meeting, please notify the City not later than the day before the meeting and we will try to provide whatever assistance may be required.

CEDAR CITY COUNCIL AGENDA ITEM ____1

INFORMATION SHEET

TO:

Mayor and City Council

FROM:

Renon Savage, City Recorder

DATE:

March 17, 2014

SUBJECT:

Papa John's Business License Penalty

DISCUSSION:

Business License Renewal Applications were sent between December 13 and 20 of 2013, and they have until February 15th to pay without receiving a penalty. Jessica from Papa John's called on March 3rd and said they mailed their check in December. On March 4th we received the Papa John's payment in the mail, and the renewal application was dated February 5, 2014. We checked the envelopes that came in the mail that day, and one was postmarked February 28th the others were all dated March 3rd. The penalty for late payment is 50%, their penalty is \$132.00. They requested that this be placed on the agenda to see if the City Council would be willing to waive the penalty.

CEDAR CITY COUNCIL AGENDA ITEM A STAFF INFORMATION SHEET

TO:

Mayor and Council

FROM:

Kit Wareham

DATE:

March 19, 2014

SUBJECT:

Rusty Aiken's Request to Change the Water Rates for Rusty's Ranch House's and Milt

Stage Stop from the Residential Rate to the Commercial Rate

DISCUSSION:

Rusty Aiken is requesting that the City charge a commercial business outside the City limits that are currently connected to the City culinary water system **double** the City non-residential rate of \$1.00 per 1000 gallons of water. Currently the commercial businesses outside the City limit are charged the same as residences and stock water connections outside the City, which is **double** the Residential Tier 3 rate of \$2.00 per 1000 gallons.

Attached is the ordinance that defines how water rates are charged for connections outside the City limits. The ordinance is very clear on how water connections that are only used to water livestock are to be charged. However, the ordinance says little or nothing about how other the types of uses are charged. The only other types of City water uses outside the City limits that I am aware of are several residences and cabins, mostly in the vicinity of Milt's Stage Stop, and the commercial businesses of Rusty's Ranch House's and Milt Stage Stop. All of these water connections outside the City limits are charged **double** the Residential Tier 3 rate of \$2.00 per 1000 gallons. This rate probably makes sense for the livestock watering since the ordinance is specific about the rate for those connections. This currently billing rate probably also makes sense for the residential connections since they are being billed a residential rate. However, an argument could be made on why a commercial business is being a residential rate instead of a commercial rate.

If the City Council decides to make the change in water rates for commercial business outside the city limits a change to the City's Waterworks ordinance would be required. If you have any questions on anything, please let me know.

SECTION 37-17. Water Rates.

All charges for use of Cedar City culinary water provided to a customer shall be established by the Cedar City Council and adopted in the form of written Resolutions duly authorized and approved by said Council. **Amended 8/86**

SECTION 37-18. Discontinuance During Quarter.

Where water service is discontinued during any month at the request of the user, the charge for that month shall be prorated using the then-current rate as a basis for calculating the proportionate amount due. amended 10/94

SECTION 37-19. Befouling Waters.

It shall be unlawful for any person to in any way befoul any of the waters which shall come into the Cedar City Water Works System, or to befoul the waters of any spring or stream used as a source of supply. Any person violating this section shall be punished by a fine in any sum less than One Thousand Dollars (\$1,000.00) or by imprisonment for any period less than six (6) months or by both such fine and imprisonment. Amended 10/8/86.

SECTION 37-20. Extensions of Water Beyond City Limits.

Except as the same may now exist or as herein otherwise provided, no extension or use of culinary water outside the City Limits of Cedar City, Utah, without prior approval of the governing body of said City shall be permitted. Any violation of this ordinance shall be a misdemeanor. Nothing in this ordinance shall be interpreted to prohibit an individual with a lawful water connection from filling a container and using the water outside of the City limits for a culinary use. This section of the Cedar City Ordinance shall not be interpreted to alter the existing, or hereafter amended or adopted provisions of the Cedar City Ordinance regulating the use of the City's water system for the watering of livestock outside of the City limits. This section of the Cedar City Ordinance shall not be interpreted to alter the existing or hereafter amended or adopted provisions of the Cedar City Ordinance regulating physical connections to the City's water system.

SECTION 37-21. Livestock Watering Outside City Limits.

Culinary water from the distribution lines of Cedar City, Utah, may be used for livestock watering outside the City Limits of Cedar City, Utah, only in accordance with this ordinance and amendments thereto.

SECTION 37-22. Use Restrictions on Livestock Watering Outside City Limits.

The following use restrictions shall apply in connection with the use of livestock:

A. A separate application must be made by each user each year on or before the first day of March of each year.

- B. The user shall at his own expense install all connections and meters as required by Cedar City in accordance with the current Cedar City Engineering Standards.
- C. No connection shall be made to the distribution system of Cedar City, Utah, except under the direct supervision of the superintendent of the Water Department.
- D. At the point of each connection to any distribution line, a meter shall be installed, at the expense of the user, in accordance with current Cedar City Engineering Standards.
- E. If more than one user is on any pipe connection to said distribution system, separate meter arrangements shall be made for each user at the expense of the users.
- F. At the time of the initial application a fifty dollar (\$50.00) administration fee shall be assessed. The rate for use of the connection shall be double the Tier III (excessive irrigation) rate charged within the City Limits of Cedar City, Utah, plus any expense incurred by Cedar City caused by the use of said water, and shall be billed to the user and be considered as part of the fee for the use of said water, in addition to the amount in this paragraph provided for.
- G. Cedar City, Utah, specifically reserves the privilege and right at any time, with or without notice, for any reason satisfactory to Cedar City, Utah, to shut off the water and terminate this use, and in the event of a water shortage, connections outside the City Limits may be shut off before there is any limitation of water use within the City Limits.
- H. Each applicant shall meet the standards of the Utah State Board of Health concerning possible contamination of water supplies, potential water supplies, disposal of sewage, disposal of waste, condition of corrals, and any and all sanitary items, and in addition, Cedar City Corporation specifically reserves the right to impose any additional requirements on these items deemed necessary by the governing body of Cedar City, Utah.
- I. The user is to be entirely responsible for the construction and maintenance of any line connected under authority of this ordinance, and in the event Cedar City incurs any expense whatsoever, the user shall be required to reimburse Cedar City, Utah for the actual expense incurred.
- J. Any unauthorized hookup or connection on any line installed under authority of this ordinance shall automatically terminate the use of water in the entire offending line, and all sums on deposit from said offending line shall be forfeited and there shall be no renewal without the approval of the governing body of Cedar City, Utah.

K. No connection may hereafter be made under authority of this ordinance except to a corral for livestock use only, said corral to be owned, used and occupied by a bona fide resident of Cedar City, Utah, residing in a dwelling in Cedar City, Utah, normally occupied by said individual.

SECTION 37-23. Authority for Connection.

No Connection to any water line of Cedar City, Utah shall be made and no water shall be transported outside the City Limits of Cedar City, Utah, for animal use, except by authority of this ordinance.

SECTION 37-24. Unlawful to Interfere with City Officers.

It shall be unlawful for any person to interfere with, molest, hinder or obstruct the Superintendent of water works or the Health Officer of this City or any of their employees, agents or servants while in the performance of their duties as provided herein.

SECTION 37-25. Rules and Regulations.

The Mayor and City Council shall make such rules and regulations not inconsistent with the provisions of this chapter as may be necessary for the further regulation and control of the City Water Works System.

SECTION 37-30. Penalty.

Any person violating any provision of this Chapter shall upon conviction be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Amended 10/8/86.

SECTION 37-31. Drinking Water Source Protection

A. Short Title and Purpose

- (1) This ordinance shall be known as the "Drinking Water Source Protection Ordinance."
- (2) The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for Cedar City by the establishment of drinking water source protection zones surrounding the wellheads and springs for all wells and springs which are the supply sources for Cedar City water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.
- B. <u>Definitions</u>. When used in this ordinance the following words and phrases shall have the meanings given in this section:

Class "C" Road Fund Request Write-Up City Council Agenda 3/19/2014

The Cedar City Street Maintenance Program for our roads is divided into 7 areas or sections. Each year, each of these sections is evaluated for crack seal, chip seal, fog seal and striping needs, and each year the Street Division assesses its road maintenance budget to perform these necessary maintenance procedures on the roads in these areas to make them in good drivable condition and prevent further costly repairs due to unmaintained road damage when it becomes severe.

With the warm weather that we have been experiencing this year, we have an opportune window to be able to get started on the repairs earlier in the season. The last 2 years in Areas 4 & 5 there were some roads that we were not able to get to due to budget and weather constraints, and we are also doing maintenance in Area 6 this year. We could start the crack sealing earlier this year due to the warmer weather. These road repairs traditionally have been funded through the Class "C" road funds. In speaking with our Financial Director, we have a surplus in those funds of approximately \$1.3 million which has been set aside for road repair, emergencies and the South Interchange Project. After meeting with the City Manager and Financial Director, we feel it would be prudent in this warm season to catch up on the street repairs in these areas and would respectfully request a transfer of \$269,396 from the Class "C" Road Fund balance to start working on road repairs as soon as possible.

REQUEST FOR ADDITIONAL FUNDING FROM CLASS "C" ROAD FUNDS